



Security Council

Distr.
GENERAL

S/1998/1125
27 November 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 26 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

On instructions from my Government, and with reference to the letter dated 19 November 1998 which Mr. Richard Butler, Executive Chairman of the Special Commission, addressed to Mr. Tariq Aziz, Deputy Prime Minister of the Republic of Iraq, and which the Chairman of the Special Commission requested to have distributed as a document of the Security Council (S/1998/1106), I enclose herewith the reply dated 25 November 1998 sent by Dr. Riyadh Al-Qaisi, Deputy Minister at the Ministry of Foreign Affairs of the Republic of Iraq, to the Executive Chairman of the Special Commission, which was delivered to the latter today.

I should be grateful if you would have this letter and its enclosure distributed as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative



Annex

[Original: English]

Letter dated 25 November 1998 from the Deputy Minister for Foreign Affairs of Iraq addressed to Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

With reference to your letter dated 19 November 1998 addressed to H.E.Mr. Tariq Aziz the Deputy Prime Minister of Iraq, I should like to respond to the questions you addressed following the sequence of the points listed in the Annex of your letter.

1. Clarifications on the disposition of unaccounted for 155-mm shells filled with mustard.

The Iraqi side has given the material balance of this and other types of munitions in the June 1996 FFCD in which it stated, in regard to the 155mm mustard shells the following:

- (13500) shells caliber 155mm filled with mustard were the total quantity available prior to the war in 1991.
- (12792) shells 155mm filled with mustard were destroyed under the Special Commission supervision in 1993 -1994.
- (132) shells were counted by the Special Commission within the quantity which had been exposed to destruction by the bombardment of AL-Muhamadiat stores.
- Consequently, (576) shells remained from the material balance, which Iraq declared as lost due to the hostilities.

Nevertheless, for security reasons, the Iraqi side started to look for the lost quantity before this issue was raised by the Special Commission. As a result of the search, a strong impression was gained that one of the trailer-trucks which was loaded with this munitions had been stolen during the disturbances in March 1991. Consequently, subsequent efforts were made on and off since then to determine the fate of the lost quantity. This effort was carried out even when the Special Commission to all

intents and purposes considered the issue unimportant by virtue of the fact that the missing 155 mm mustard filled shells were not amongst the 7 remaining issues identified by the Special Commission early in 1997 for resolving outstanding issues in the chemical file.

The efforts made have been as follows:

- 1.1. At the beginning of 1991 on the eve of the war, the filled shells were stored at Al-Aukaidar, Al-Nasiriya depots and at Al-Muhamediya stores. Due to the bombardment during the war, it was decided to move the munitions of Al-Aukhader stores to open areas and eventually to be collected at the Chemical Corps Training Ground. The transfer of the munitions was not completed due to the disturbances that followed the ceasefire.
- 1.2. Before restoring the central governmental control in the area and during collecting the stored munitions at Al-Aukhaider munitions depot, it was learned that a trailer-truck, believed to have been loaded with (155mm) munitions, had been stolen during the disturbances in the area between Karbala and Najaf. The information indicated that probably the thieves did not notice that the break lever on the trailer was not free which led to increasing the tires' temperature and as a result the trailer caught fire. It is believed, accordingly, that the thieves separated the truck head from the burned trailer and drove away. Arriving thereafter, a military unit in that location, noticed the burned trailer on the road side, and, to avoid contamination, they buried the munitions in the area near the poultry fields at Karabala, Khan Al-Ruba'a area in March 1991. This process was implemented by Lt. recruit Fuad Abdul Kareem.
- 1.3. During the period 25 March 1996 up to the 1st of April 1996, and before submitting the FFCD in June 1996, a working team was formed to search in the area of the burning for any clues about the missing quantity of munitions. The team consisted of Maj. Gen. Muhamad Shakir, Dr. Ala'a Al-Saeed, Brigadier Basim Muhamad Salih and a group from the Military Engineering Corps. The team found a number of fuses and some damaged booster covers. Then, the area was surveyed using metal detectors and the results were fruitless. In spite of that the area was excavated and nothing was found.

- 1.4. In September 1997, the search work started again by a group consisting of Maj. Gen. Muhammad Shakir, Dr. Ala'a Al-Saeed, Mr. Fuad Abdul Kareem with a group from the Geological Survey Department. The survey showed no traces of buried metal.
- 1.5. In May 1998, the search work started again by a group consisting of Maj. Gen. Muhamed Shakir, Dr. Ala'a Al-Saeed, Mr. Fuad Abdul Kareem, and Mr. Abdul Wahab Humadi with a group from the Military Engineering Corps. The work took two directions: the first, was to search at Al-Aukhaider munitions stores, the site where the munitions (155mm) were stored during the bombardment. As a result of the search (12) shells were found buried underground because of the impact of the bombardment. The second direction of the work was to resume the search effort at the trailer burning site by using more sensitive metal detectors. The site was re-excavated more extensively. However, the results were negative except for finding two (155mm) empty shells at the area. Subsequently, the search concentrated on Al-Aukaidar, Al-Najaf munitions stores, and at different military sites to find out any of the (155mm) munitions were handed over by the citizens after the war. The results were negative (Report Maj. Gen. Muhammad Shakir). On 30 July 1998, UNSCOM-248 was provided with a summary of the efforts exerted in the search for the missing munitions. The team was taken to the burning site and to the destruction area of the damaged expired munitions.
- 1.6. In August 1998, a further investigation was carried out by Maj. Gen. Muhammad Shakir with the Ordnance Directorate (Munitions Stores) by checking their records for the returned munitions of the 155 mm in general to check for any chemical type amongst the returned munitions in the collecting areas (Maj. Gen. Muhammad Shakir report).

On the basis of all these efforts, we were only able to conclude that the missing quantity is about 560 shells, which represents about 4% of the original quantity of 13500 shells existing prior to the war. In our view, this quantity is of no military significance as it is for artillery guns of a maximum range of 23km. Nevertheless, Iraq is committed to continue its efforts to find out the fate of those munitions as a matter of internal security concern, as pointed out above. The Iraqi authorities shall keep UNSCOM continuously informed of its efforts in this regards.

2. Full report on the chemical analysis of the samples from the special missile warheads fragments taken by Iraq in July 1998.

The report entitled " Report on the Analysis of Swab Samples of Special Warhead Remnants taken by Iraqi Side together with UNSCOM-246 in July 1998 " dated 10 September 1998 comprising 42 pages will be transmitted to the Baghdad Monitoring and Verification Centre.

3. Requests by the October 1998 meeting of international experts on VX (S/1998/995).

a. Regarding *the origin and history of the special missile warhead fragments sampled by the Commission and analyzed by French, Swiss, and US laboratories*, the Commission's inspectors supervised at all times the excavation work during 1997 and 1998 in the destruction area of the warheads from which the samples were taken. The Commission also supervised the transfer of the fragments to the sheds of project 144. Furthermore, it supervised sorting and classifying the fragments. Each fragment was video taped in its location inside the shed by the Commission for documentation purposes. The sheds were locked jointly by the Commission and the Iraqi side so that they cannot be opened without the presence of representatives of both parties. In addition, monitoring cameras have been installed inside the sheds, which have been in continuous operation ever since.

The fragments excavated from project 144 originate from the warheads excavated from Al Niba'ai in 1992 and were transferred to the project in the same year and buried there according to UNSCOM-35 recommendation . After completing their verification work, the said team gave a certificate to the Iraqi side in which it was indicated that their disposal was left to Iraq's discretion. Despite that, the Iraqi side chose to leave them buried at the project 144. They remained there until they were re-excavated jointly with the Special Commission in 1997 and 1998 as stated above. UNSCOM-204, and UNSCOM-240 A,B,C had supervised the excavation, transfer, storing and video taping of the parts .

After the completion of the excavation in April 1998, the Commission requested through inspector Tim Blades to visit Al-Taji site to verify the part in the presence of inspector Hamish Killip. Upon arrival at the site, the inspectors started to collect a quantity of the parts in bags in order to transfer them outside Iraq without notifying the Iraqi side. Those bags were sealed under vacuum. The Iraqi side was prevented from taking any notes or making any inventory of the items collected. The Special Commission insisted to dispatch the samples for analysis in the United State. The Iraqi side proposed to divide each sample into two parts, keeping one part as reference under joint control, and to analyze the other parts in reputable laboratories in several countries and not exclusively in the United States. The Commission refused the Iraqi proposal and transferred the samples on 8 May 1998 to Bahrain and later to the United States.

On 21-22 June 1998, UNSCOM 240 D visited project 144 site at Al Taji to take biological and chemical wipes from the warhead remnants. Forty three (43) chemical and thirty (30) biological wipes were taken according to a coding system prepared by the said team in the presence of the Chief Inspector Mr. Nikita Smidovich. The wipes were taken from the fragments which had been videotaped before, documented and monitored by the Commission's cameras. Those fragments originate from the destruction pits of the special warheads, from which parts were taken in April 1998 as follows:

- 41 wipes from fragments excavated from pit-6 and pit-1
 - 2 wipes from fragments excavated from pit 3.
- This makes (43) wipes for chemical analysis.
- 30 wipes from fragments excavated from pit 3 for biological analysis.

On 14 July 1998, UNSCOM 246, which included French and Swiss experts, took two sets of (40) wipe samples for the French and the Swiss laboratories. At the same time, the Iraqi side also took (40) wipes. The wipes covered all the warhead excavated from Al-Niba'ai. The samples were labelled according to a coding system prepared by the team. The entire procedure was videotaped by the UNSCOM team and the Iraqi side. It should be noted that the wipes taken at this operation was identical to the former one, namely:

- The wipes were taken from the fragments which had been videotaped before, documented and monitored by the Commission's cameras.

- Those fragments originate from the destruction pits of the special warheads, from which parts were taken in April 1998 as follows:
- Three sets of (40) wipes, each set of which was for the French, Swiss and Iraqi experts respectively, taken from fragments excavated from pits 1 and 6 for chemical analysis only.

As regards the request for technical explanation for the presence of degradation products of nerve agents and VX stabilizer, the incontrovertible facts are that Iraq never produced VX in stable form and never filled VX in warheads. At the same time, it is also an incontrovertible fact that Iraq filled three (3) aerial bombs of 500 calibre in 1988 for compatibility tests, with the result that the VX degraded within a short period. It follows therefore that there is no way that Al-Hussein warhead could be contaminated with VX at any time. The straight forward answer from Iraq's point of view, is that the contamination could not but have been the result of a deliberate act of tampering with the first set of samples taken out from Iraq to the United States on May 8 1998.

b. Regarding additional information on Iraq's efforts to develop and produce VX through improved synthetic routes, during the period from mid-1988 through beginning of 1991, the requested details were subject to previous letters, seminars, and technical evaluation meetings the most important of which were: our letters: 2/1/D/165 dated 19 March 1997; 2/1/C/234 dated 14 May 1997; 2/1/D/725 dated 27 November 1997; 2/1/C/807 dated 29 December 1997; and finally, the explanations and remarks delivered during the Technical Evaluation Meetings which took place in Baghdad during February 1998.

4. Explanations, clarifications and data requested by UNSCOM 252 inspection team (July 1998) related to the accounting of proscribed missile warheads (special and conventional)

a. *Detailed description of methods and timing of unilateral destruction of special warheads in the P3 area in Nibae*

The timing and method of the unilateral destruction of the special warheads issue in pit (P-3) was discussed in details during Technical Evaluation Meeting held in Iraq for the period 1-7 February 1998. The Iraqi side expressed the need for a sophisticated equipment to excavate

the remains of the destroyed special warheads in the above mentioned pit. The equipment was sent with UNSCOM-240. Surveying and excavation work revealed remnants of another 15 special warhead in that pit.

On 16 March 1998 and 21 July 1998, and upon the request of UNSCOM, letters were sent clarifying the unilateral destruction of the special warheads issue including pit 3. In those letters, the Iraqi side explained in detail the timing and method of destruction. Another detailed explanation was presented to the biological Technical Evaluation Meeting in Baghdad held during 17 - 23 July 1998.

The site locations for destruction were selected according to the recollections of the personnel who carried out the task from natural and man made quarry pits which offered suitable buttresses for detonating the warheads. Three such locations were prepared as some of them needed some earthwork to make them more suitable. The officers in charge recall that the biological warheads were brought from their storage places: 10 from Mansouriyah and 15 from the Tigris canal and were placed in two pits separated by hundreds of metres. The 20 chemical warheads, 10 brought from Fallujah forest and 10 from Zaghareed, were placed in pits nearer one biological pit. There was no plan drawn to indicate the exact coordinates of those pits nor was there any record made about which warheads were placed in which pit. All the details discussed during the Technical Evaluation Meetings and subsequent inspections relied solely on recollections of the personnel. They are simply clarifications in answer to the Commission's questions. The most significant fact to stress in this connection that there were 45 special warheads unilaterally destroyed, 25 biological and 20 chemical destroyed using explosives at al-Niba'ai site and that all those warheads were fully accounted for. The transfer of the warheads from their field storage places, their destruction, the collection of fragments, and the final burial were conducted between 8-11 July 1991.

b. *Explanations of decisions and actions undertaken to collect remnants of special warheads for presentation to an UNSCOM inspection team in April 1992.*

It is astonishing that such an issue is raised again, as if it has never been discussed before. The issue was discussed at length with the warhead Technical Evaluation Meeting held for the period 1-7 February

1998. During that meeting, the Iraqi Side explained in detail who took the decision for collecting the fragments and the actions taken for collecting them. Following that, the detailed explanations were included in our letter of 16 March 1998 addressed to UNSCOM. The clarifications given in the above mentioned letter were confirmed by another official letter on 21 July 1998 in response to a request from the Special Commission.

It should be recalled that this issue was discussed in detail with UNSCOM-252 headed by Mr. Nikita Smidovich. The Iraqi side cooperated with the team in arranging interviews with all the technical and senior officers who were engaged in the collection of the fragments. Those interviews included a broad spectrum of questions, including questions unrelated to the core of the issue raised, e.g the type of equipment used in collecting the fragments whether they were shovels or poclain and their brand names...etc. Finally, all these clarifications are enough to settle this secondary issue.

c. *Regarding the precise identification of pit locations of the special warhead storage in the Tigris canal site and the Fallujah forest site in a period starting 1 March 1991 until the removal of the warheads from these hide sites to the unilateral destruction locations, the issue was discussed in full transparency with UNSCOM-252 in July 1998. The Iraqi side could not at the time provide the exact location for each warhead or group of warhead pits and suggested to visit the site with the inspection team accompanied by the very personnel who performed the field storage operation. The Iraqi side is still ready to do that.*

d. *Explanations of why no remnants from some 50 warheads (both imported and indigenously produced) declared as unilaterally destroyed, were not recovered at the declared site of their destruction.*

Conventional warheads are not weapons of mass destruction and, therefore, irrelevant to the material balance. Modified imported, and indigenously produced, special warheads are relevant and they have been fully accounted for. However, unilaterally destroyed conventional warhead remnants were excavated jointly after reaching an agreement to consider the main rings of the warhead in accounting for the indigenously

produced ones. The two sides accounted for 90% of the warheads depending on material evidence. For Imported warheads also 90% were accounted for, depending on counting the warhead noses as material evidence. As for the absence of remnants for (50) imported and indigenously manufactured conventional warheads, the issue was discussed in details with UNSCOM-252. The two sides agreed to discuss the details later on by making a comparison between excavated material evidence and documentary evidence handed over to the Special Commission previously.

e. *Updated material balance of missile warheads.*

The material balance which was obtained up to July 1988 is as indicated in our letter of 30 June 1988, and has not changed since then. Work is presently in progress to complete the information requested by UNSCOM-252 and will be sent to the Commission shortly.

5. Request by UNSCOM 242 inspection team (July August 1998) related to indigenous production for engines of proscribed missiles.

a. *Removal for analysis of a number of missile engine components produced indigenously.*

By his letter to the National Monitoring Directorate of 5 August 1998, UNSCOM-242 Chief Inspector requested to take into his custody some parts and components (indigenously produced and imported) which have been extracted from the Tigris canal. His argument was to send those items to American laboratories for analysis. The Iraqi side has provided all the technical details, as well as the details related to import contracts of those items, during the meetings with UNSCOM teams 130, 205, 206, 242, FFCD, 1, 2 and 3. The Iraqi side supported its position with evidence in the form of documents and personal diaries of the staff who used to work in project 1728. The supporting documents had been handed over to UNSCOM in addition to letters of clarification issued upon UNSCOM requests. In view of the foregoing, the request for analysis is not justified on technical or scientific grounds.

b. Explanation of the timing of importation of complete missile engine turbo pumps and their use in missile/engine tests.

The import, receipt and expenditure of turbo-pumps has been clarified during many meetings held with inspection teams (UNSCOM 162, 164, 166, 205, 206, 242, FFCD-1, 2 and 3) in addition to letters of clarifications from 1995 till the visit made by UNSCOM-242 at the end of July 1998. Hereunder is a summary of the contracts for turbo-pumps with dates of receipt and expenditure:

- The contract covers (350) turbo-pumps. It has been handed over including all its details to UNSCOM on 16 November 1995 supported by shipping documents that show the following:
 - The first sample was received at the end of August / beginning of September 1989.
 - Three samples were received at the end of 1989.
 - One sample was left at the company after having been used during the acceptance test of the turbo-pump static test stand imported through the company which took place in April 1990.
 - The Iraqi side has received 30 turbo-pumps after April 1990 (could be in May 1990).

The receipt of the above-mentioned turbo-pumps is clarified in the (FFCD) as well as through discussions and interviews which by UNSCOM teams 130, 164, 166, 206, 241 and 242 with the project's personnel concerned with the work on turbo-pumps. Further clarification about the issue was also provided by the letter no. 179 dated 26 March 1997 addressed to the Commission.

Upon request by UNSCOM-242, the Iraqi side clarified turbo-pumps expenditure as follows:

- 10 turbo-pumps were used in static tests.
- 4 turbo-pumps were used in flight tests.
- 9 turbo-pumps kept in 3 boxes were unilaterally destroyed as mentioned in the destruction lists which had been handed over to UNSCOM on 16 November 1991.
- 1 turbo-pump was consumed in the project for training of staff on assembly and disassembly.

- The remaining 10 were unilaterally destroyed by melting at Nasser foundry. In addition to the teams that verified this subject previously, UNSCOM-242 physically verified the presence of remnant of turbo-pumps in the melted blocks in July 1998.

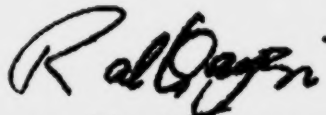
It is noteworthy to mention that project 1728 had shipped two original turbo-pumps to the supplier during 1988-1989 for calibration purposes. One of those two turbo-pumps was consumed while the second was returned to the project. This had been already clarified to UNSCOM-242.

6. A description of the investigation and termination of concealment after 1995.

There was no policy of concealment by Iraq for proscribed weapons. The Iraqi side has explained all the details of retaining some items for a limited period and the circumstances thereof.

The action of Hussain Kamil to coerce some of the past programmes' staff not to declare some activities has also been explained to the Special Commission in 1995. This was fully understood by the Commission as is evident from the Joint Programme of Action agreed upon between UNSCOM and Iraq on 22 June 1996 where the word "retain" was used. Nowhere in that document the word "concealment" is mentioned.

In conclusion, I should like to point out that Iraq still maintains the concluding remarks stated in the letter dated 22 November addressed to the President of the Security Council.



(Signed) Riyadh AL-QUAYSI